

Appl. No. : 09/993,296
Filed : November 14, 2001

REMARKS

Claims 1-21 were pending in the present application. Applicant thanks the Examiner for the indicated allowability of Claims 1-18. By way of the present amendment, Applicant has amended allowable Claim 1 because Applicant is no longer interested in pursuing original Claim 1, and not for reasons of patentability. Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Richardson. Additionally, Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Delery in view of Bidoia. Finally, Claim 21 stands rejected under 35 U.S.C. as being unpatentable over Delery in view of Bidoia and in further view of Martin. In addition, Applicant has added new claims 22-33.

Information Disclosure Statement

The Examiner states that the Information Disclosure Statement filed November 15, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Applicant is not in possession of an English translation of the relevant non-English-language documents, and therefore, cannot concisely explain the relevance of the documents beyond what is shown in the corresponding figures. Therefore, Applicant directs the Examiner's attention to the figures of the non-English-language documents.

Specification

The Examiner objected to the specification because the third paragraph on page 34 included various gaps that created incomplete sentences. Applicant has amended the relevant paragraph to overcome the Examiner's noted objections.

Rejections under 35 U.S.C. 103(a)

Claim 19

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Richardson. The Examiner states that "Martin teaches a tightener structure for a boot including lacing members 18 and rotatable tightener 37 which rotates about a pivot to tighten the

cable.” However, as the Examiner states, Martin does not teach an expansion limiting strap. Consequently, the Examiner points out that Richardson teaches “securement of a strap 18 about the lacing of a shoe” to provide enhanced support for the ankle.

Richardson teaches a “strap 18 on the outside of the shoe... positioned to wrap around the shoe above the ankle support inserts so that the inserts cannot slide up out of the pockets. The strap 18 also keeps the brace 30 snug around the wearer’s leg just above the ankle, which provides additional support.” Col. 5, lines 52-57. When minimal support is required, the strap 18 is removed from the loop 20 and is not used. Col. 6, lines 8-14.

Martin teaches a skiing or skating boot having a tightening lever located on the ankle portion of a boot on one closing flap and a fastening clip on the other closing flap. The fastening clip is connected to a first tensioning member and the lever is connected to a second tensioning member. *See Abstract.* In use, the tightening lever is hooked to the clip and then pivoted to tension the first and second tensioning members which advance the closing flaps toward one another. Col. 3, lines 10 et seq.

There is no teaching or suggestion of adding additional ankle support to the boot of Martin in the form of a strap. Doing so would simply be redundant since the lever acts to draw the closing flaps toward one another around the ankle, thereby providing the support that the strap of Martin provides. At best, the modification of the Martin boot by the strap of Richardson provides a boot having a rigid buckle for holding the closing flaps tightly around a wearer’s ankle and a strap to additionally hold the closing flaps tightly around a wearer’s ankle. The buckle of Martin and the strap of Richardson perform substantially the same function – they hold the closing flaps tightly around a wearer’s ankle to prevent expansion of the closing flaps.

In contrast to this teaching, the device as claimed in Claim 19 includes the unique characteristic of permitting expansion at various points along the lacing zone, while simultaneously tightening up other areas along the lacing zone. Thus, the expansion limiting strap as claimed in Claim 19 is for “limiting expansion in at least one plane through the lacing zone,” which is contrary to the strap taught by Martin which is provided to prevent expansion along the lacing zone.

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Accordingly, Applicant submits that the teachings of Martin and Richardson, either alone or in combination, do not teach or suggest the unique combination of features recited in Claim 19. Therefore, Applicant respectfully requests allowance of Claim 19.

Claim 20

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Delery in view of Bidoia. The Examiner states that "the boot of Delery includes the spool with set screws 26, 27 which secure the ends of the cable. The difference is that the handle moves in both directions." The Examiner then states that Bidoia teaches a knob turnable in a single direction, which would have been an obvious modification of the boot of Delery.

Assuming that Delery is modified by a knob turnable in a single direction as the Examiner suggests, such a modification does not make the claimed invention obvious. For example, Claim 20 recites, *inter alia*, "a knob moveable between a coupled position and an uncoupled position; wherein the knob is rotatable in a forward direction and the reel is rotationally coupled to the knob when the knob is in the coupled position, and the reel is rotatable in a reverse direction when the knob is in the uncoupled position."

Moreover, even if the knob of Bidoia is added to the device of Delery, it does not result in the claimed invention. For example, Claim 20 recites, *inter alia*, "a tightening reel on the footwear." Contrarily, the device of Delery is quite large and bulky and therefore, is positioned on a blade holder that is attached to a skate boot. There is no teaching in Delery to include a tightening reel on the footwear. Therefore, even if Delery were modified with a unidirectional knob as the Examiner asserts, it would not teach or suggest the unique combination of features recited in Claim 20.

In addition, Claim 20 has been amended to more fully distinguish over the cited references. Specifically, amended Claim 20 now recites, *inter alia*, "a tightening reel on the footwear, for retracting the lace, thereby advancing the first lace guide towards the second lace guide a closing distance to tighten the footwear until the lace guides bottom out in a position in which the first lace guide cannot be further advanced toward the second lace guide, wherein the closing distance is selectively variable." Such a teaching is not found in any of the prior art references, either alone or in combination. Accordingly, Applicant submits that Claim 20 is patentable over the prior art of record and requests allowance of Claim 20.

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Claim 21

Claim 21 depends from Claim 20 and as such, is patentable for at least the reasons Claim 20 is patentable. Furthermore, Claim 21 recites a unique combination of features not made obvious by the prior art references. Accordingly, Claim 21 defines over the prior art of record and Applicant solicits allowance of Claim 21.

New Claims

Applicant has added new Claims 22-33 that each recite a unique combination of features not taught or suggested by the prior art references, either alone or in combination. As such, Applicant requests allowance of new Claims 22-33

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CONCLUSION

Based on the above, Applicant submits that pending claims 1-33 are in condition for allowance and Applicant respectfully requests allowance of Claims 1-33.

Applicant has attempted to respond to each of the issues presented by the Examiner. However, if there remain any unresolved issues that could be resolved via a telephone conversation, Applicant invites the Examiner to call Applicant's representative at the telephone number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 21 April 2003

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